FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A00.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback as close as 39 ft. in lieu of the required 50 ft. for a proposed addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or arreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2th day of Cet, 1992 that the Petition for a Zoning Variance from Section 1A00.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback as close as 39 ft., in lieu of the required 50 ft., for a proposed addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted here-

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Coming Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

October 7, 1992

Mr. and Mrs. Randall Perkins 8 Lochwynd Court Phoenix, Maryland 21131

> RE: Petition for Administrative Zoning Variance Case No. 93-54-A

Dear Mr. and Mrs. Perkins:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

LES:mmn

Contract Purchaser/Lessee

Attorney for Petitioner

(Type or Print Name

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 8 Luchwann CT which is presently zoned Rcy

This Petition shall be filed with the Office of Zoning Administration & Development Management The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A00.3.B.3 (1975 R.D.P. Regulations) To permit a lot line betback ab close ab 39 ft. in lieu of the required 50 ft. for a proposed addition.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons, (indicate hardship or PRActical Difficulty 15 evidenced by the attocked.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to

be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County (We do soverely deciate and after condentite penalties of penalty that we are the Phoenix, MD State 21131

A Public Hearing having been requested and/or found to be required it is ordered, by the Zoning Commissioner of Batt more Clash types and adviot that the subject matter of this petition be set for a public hearing, advertised, as required by the loning Regulations of Baltimore County in two newspapers of general proulation, throughout Baltimore County, and that the property be reposted.

PRACTICAL DIFFICULTY FOR ADMINISTRATIVE VARIANCE FOR **8 LOCHWYND COURT**

We hereby petition for an Administrative Variance to be granted on the property located 8 Lochwynd Court. This request is being made in order for us to build a family room off the kitchen at the described property. We have two small boys, ages 6 and 9, and we do not have a family room on our main level. The addition of this family room would allow us the opportunity to watch our children, while giving us an opportunity to have an area to enjoy family activities. The building of this family room on either side of the house would encroach on our setback line with our adjoining properties. By building this addition on the east side of our property, we would be able to have the room adjoin our kitchen while at the same time still providing a 39 foot, 7 inch setback from our east side neighbors. The potential addition of this room on the rear of our house is extremely difficult if not impossible, due to the drastic slope of the property. There is an approximate 10 foot drop from the front of our kitchen to the back and the extension of this room on the rear of the house would result in an approximate 15 foot additional drop to the rear of the addition. It is virtually impossible to build the addition on the front of the house due to the massive rock formation which currently resides at the edge of the front deck. Accordingly, we respectfully request this variance and if granted, we would like to receive the permit as soon as possible after the posting period in order for construction to proceed at our own risk.

Affidavit in support of Administration **Administrative Variance**

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 8 Luchwynd CT

Phoenix, MD 21131
State
State That based upon personal knowledge, the following are the facts upon which lowe base the request for an Administrative

We have two small boys AND DO NOT have a family Acon (prepared 4 de l'in) ON OUR MAIN level, We would enchant on our setagek un both sides of the house. The east side (proposed) of property would still provide a 39'7" setback. The addition is extremely difficult if NOT impossible to do AT the REAR of Property because of the drastic slape of property. The FRONT PROPERTY AAS 9 Significant ROCK to MMATION . If variance is granted we would Priod in order to Construction to Proceed at our Risk.
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

RANDAIL W. PERKINS

8/19/92

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal.

> MARY LOU FROST MCTARY PUBLIC STATE OF MARYLAND M. Communication typical time 1, 1005

THE DESCRIPTION

ZONING DESCRIPTION FOR 8 Lochwynd Court

Beginning at a point on the north side of Lochwynd Court which is 50 feet wide at the distance of 648.95 feet west of the centerline of the nearest improved intersecting street Highland Ridge Drive which is 50 feet wide. Being Lot #14, Block __, Section __ in the subdivision of The Highlands of Hunt Valley as recorded in Baltimore County Plat Book #39, Folio #77, containing 2.044 acres. Also known as 8 Lochwynd Court and located in the 10th Election District.

> CERTIFICATE OF POSTING DEPARTMENT OF BALTIMORE COUNTY 9-51- #

Posted for: Lanca	Date of Posting 9/5/92
Potitioner: Le wale & Pordall	Perkins
Location of property: N/S Loc laper	d Ct. (E), 6-119. uf High lood Pidge Dr.
Location of Signer Section Track w.	y on properly of the trous
Remarks:	

-----Account: R-001-6150 paid per hand written receipt dated 8/19/92 8/28/92 H9300967 PUBLIC HEARING FEES QTY PRICE 010 -ZONING VARIANCE (IRL) 080 -POSTING SIGNS / ADVERTISING 1 LAST NAME OF OWNER: FERKINS TOTAL: **\$85.**00 Please Make Checks Payable To: Baltimore County Cashier Validation BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION WOK MISCELLANEOUS CASH RECEIPT

PROB! RANDALL PERKINS.

M SIDE COCHUMN D CT 649 ME OF HIGHLAND RIDGE DE

04A04H0012HICHRC

FOR: ADMIN RV

العياد والمواد وفالويق للجيوالهاء

111 West Chesapeake Avenue Towson, MD 21204

September 19, 1992

(410) 887-3353

Mr. & Mrs. Randall W. Perkins 8 Lochwynd Court Phoenix, MD 21131

> RE: Item No. 67, Case No. 93-54-A Petitioner: Randall W. Perkins, et ux Petition for Administrative Variance

Dear Mr. & Mrs. Perkins:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration and Development Management

DATE: September 4, 1992

FROM: Ervin Mc Daniel, Chief Office of Planning and Zoning Development Review Section

Petitions from Zoning Advisory Committee August 31, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Steven L. Kidwell, Item No. Work #10 #63 Franciaco Figueroa, Item No. Work #13 #66 Pamela H. Perkins, Item No. Work #14 #67 Johnny M. Boyles, Item No. Work #15 Donald Proescher, Item No. 3265

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

EMcD/FM:prh

ZONING OFFICE

Development Review Committee Response Form Authorized signature _____ Date _____ Date ____ Project Name File Number Waiver Number Zoning Issue Stonegate at Patapsco (Azreal Property) 90476 ZON DED TE (Waiting for developer to submit plans first) COUNT 1 James Enterprises DEPRM STP TE Salvo Realty, Inc. DEPRM STP TE COUNT 2 Maiden Choice Associates DED DEPRM RP STP TE Lyons Mill Partnership DED DEPRM RP STP TE Steven Lewis and Mary Ann Kidwell DED DEPRM RP STP TE Revisions, Inc. DED LUPR RP STP TE Donald And Margaret Proescher DED DEPRM RP STP TE Franciaco and Ada Figueroa DED DEPRM RP STP TE

FBPW/Traffic Engineering .

Zoning Plans Advisory Committe Comments Date: September 19, 1992

Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

WCR:jw

Enclosures

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

(410) 887-3353

Your petition has been received and accepted for filing this 19th day of August, 1992

BALT MORE COUNTY, MAR AND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

Zoning Advisory Committee Meeting of August 31, 1992

The Department of Environmental Protection and Resource Management offers

Development of the property must comply with the Regulations for the

Protection of Water Quality, Streams, Wetlands and Floodplains.

the following comments on the above referenced zoning item.

DATE: September 10, 1992

Mr. Arnold Jablon, Director

Zoning Administration and

Development Coordinator, DEPRM

Development Management

Zoning Item #67

#8 Lochwynd Court

FROM: J. Lawrence Pilson JCP/15/25

Zoning Plans Advisory Committee

Petitioner: Randall W. Perkins, et ux Petitioner's Attorney:

LP:sp

JABLON/S/TXTSBP

7913-92

09/08/92

Meeting Date

6-1-92

8/31/92

| (8-24-92

Stonegate at Patapsco (Azreal Property) 90476 6-1-92 TE (Waiting for developer to submit plans first) ZON DED COUNT Maiden Choice Associates DED DEPRM RP STP TF 8/31/92 Comme Lyons Mill Partnership DED DEPRM RP STP TE Steven Lewis and Mary Ann Kidwell DED DEPRM RP STP TE Revisions, Inc. DED DEPR RP STP TE Donald And Margaret Proescher DED DEPRM RP STP TE Franciaco and Ada Figueroa DED DEPRM RP STP TE Pamela H. and Randall W. Perkins DED DEPRM RP STP TE Johnny M. Boyles DED DEPRM RP STP TE Donald E. and Mary Bell Grempler DED DEPRM RP STP TE Gordon E. Sugar DED DEPRM RP STP TE Michael and Patricia Perholtz

Zoning Issue

DPW/Developers Engineering Division (Public Services)

Waiver Number

Development Review Committee Response Form Authorized signature

Project Name

·File Number

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(410) 887-4500

1794 67

1112-12

09708792

Meeting Date

SEPTEMBER 1, 1992

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: JOHNNY M. BOYLES

Location: #13769 BOTTOM ROAD - LOT #9 OF THE KUZNIARSKI PROP Item No.:+ WORK #15 (MJK) Zoning Agenda: AUGUST 31, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 7. The Fire Prevention Bureau has no comments at this time.

Planning Group Approved Fire Prevention Bureau Special Inspection Division

JP/KEK

AUG31/ZAC1

65 **N/**C 66 Pamela H. and Randall W. Perkins

Johnny M. Boyles

'DED DEPRM RP STP TE

DED DEPRM RP STP TE

		9/8/p 1915-92 (
Department of Recreation and Parks Development Review Committee Response form Authorized signature Date 9/8/92			
Project Name File Number Waiver Number	Zoning Issue	Meeting Date	
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Dr. Edward and Ann Mishner			
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